

Amendment Under 37 C.F.R. § 1.116  
Serial No.: 10/031,871  
Sughrue Ref: Q68205

### **REMARKS**

Claims 1 and 3-10 are all the claims pending in the application. By way of this amendment, Applicants have amended claims 1, and 3-6 to improve their clarity.

The Examiner has rejected claims 1 and 3 under § 102(b) as being anticipated by Scheffer (U.S. Patent No. 4,032,218). The Examiner rejects dependent claims 4-6 under § 103 as being unpatentable over Scheffer and further in view of Itoh, et al. (EP Patent No. 0457607). Still further, the Examiner rejects claims 1, and 3-10 over § 103(a) as being unpatentable over Kishimoto (JP '09-329779) in view of Itoh, et al. For the following reasons, Applicants respectfully traverse this rejection.

Beginning with the § 102 rejection of claims 1 and 3 based on Scheffer, the Examiner seems to be confused. More specifically, although the Examiner has rejected these claims under § 102 as being anticipated by Scheffer, he acknowledges on page 3 that Scheffer does not disclose the requirement of claim 1 that the optical rotary layer be laminated on the quarter-wave plate through an adhesive layer, which was added in the last Amendment. As such, the Examiner has acknowledged that Scheffer does not anticipate independent claim 1. On this basis, Applicants respectfully traverse the rejection.

Furthermore, for the following reasons, Applicants respectfully submit Scheffer taken alone or in combination with Itoh, et al., does not make obvious the claimed invention. More specifically, the Examiner alleges that the liquid crystal cell 3 of Scheffer corresponds to an optical rotary layer of the claimed invention. However, claims 1 and 3-6 have been amended to reference the optical rotary film. The optical rotary film of the claimed invention is a film,

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which is a solid object as evidenced by the disclosure at page 7, line 19 to page 8, line 7 of the specification. On the other hand, the liquid crystal cell 3 of Scheffer, as a matter of course, is in a liquid-crystal state in order to function as a liquid crystal cell. There is no motivation or suggestion to solidify the liquid crystal of Scheffer in the disclosure thereof. Also one of ordinary skill in the art would not have been motivated to do so. Itoh et al. does not remedy this point. Accordingly, the amended claims are novel and unobvious over the disclosures of Scheffer and the combination of Scheffer and Itoh et al.

Turning to the rejection of independent claim 1 based on Kishimoto and Itoh, et al., Applicants respectfully traverse this rejection as well. As previously argued, the combination of these references simply fails to teach or suggest providing the optical rotary film and the quarter-wave-plate in the arrangement requirement by claim 1. Specifically, the prior art does not disclose providing the optical rotary film between the absorption-type polarizer and the quarter-wave-plate.

Further, Applicants respectfully submit that the claimed invention provides unexpected results not taught or suggested by the prior art. More specifically, the polarizing member of the claimed invention has an effect of suppressing coloring in an obliquely viewing direction, as shown by the example in the specification. See the results on page 21 of the specification. More specifically, the chromaticity change when the azimuth becomes oblique has an excellent value as compared to the comparative example. There is no teaching or suggestion in the prior art cited by the Examiner that would lead a person of ordinary skill in the art to expect this improved characteristic. Thus, Applicants respectfully submit that the specification provides clear

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evidence of the unexpected and superior results achieved by the present invention over the prior art. As such, it is respectfully submitted that the application is in condition for allowance.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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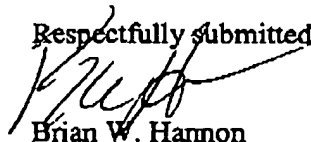
Date: February 11, 2005

#### CERTIFICATION OF FACSIMILE TRANSMISSION

Sir:

I hereby certify that the above identified correspondence is being facsimile transmitted to Examiner Tarifur Rashid CHOWDHURY at the Patent and Trademark Office on February 11, 2005 at (703) 872-9306.

Respectfully submitted,



Brian W. Hannon